

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL

October 28, 2002

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday, October 28, 2002, 7:05 p.m., in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor-Chairman; Mr. Milton Farley, Council Member District No. 1; Ms. Judith K. Spooner, Council Member District No. 2; Mr. William E. Crosby, Council Member District No. 3; Mr. Charles E. Davis, Council Member District No. 4; Mrs. Judy C. Mims, Council Member District No. 6; Mr. Steve C. Davis, Councilmember District No. 8; Mr. D. Mark Stokes, County Attorney, and Ms. Barbara B. Austin, Clerk of County Council. Mr. Steve M. Vaughn, Council Member District No. 5 and Mr. Caldwell Pinckney, Jr., Council Member District No. 7 were excused.

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the entrance of the County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina and the Berkeley County Library, and mailed to the newspaper, radio stations, television stations, concerned citizens and posted electronically.

Chairman Rozier called the meeting to order.

Councilmember Spooner gave the invocation and Councilmember Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF MINUTES:

Chairman Rozier asked the Council's pleasure on the approval of minutes for Public Hearings Bills Numbered: 02-36, 02-37 and Special Council meeting held on September 9, 2002. Public Hearing Bill No. 02-34, Regular Council meeting held on September 23, 2002 and Special Council meeting held on September 24, 2002.

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to approve the minutes as presented. The motion was passed by unanimous voice vote of Council.

There was no **PUBLIC DISCUSSION**.

Resolution proclaiming the week of October 23-31, 2002 as **National Red Ribbon Week** in Berkeley County.

Mr. Wade Arnette, Berkeley County Corner commented as follows:

"I am here tonight on behalf of the Berkeley County Prevention Board to ask the County Council, along with each City in Berkeley County, to proclaim October 23 – 31 as Red Ribbon Week.

The Year 2002 marks the 12th year of the Berkeley County Prevention Board and its effort to create a safe and drug-free Berkeley County.

We celebrate Red Ribbon Week each year to show a visible and unified commitment toward the creation of a Drug-Free Community.

The Red Ribbon you were given tonight commemorate the murder of a DEA Agent in Mexico in 1985. In response to his death groups across the Nation displayed Red Ribbons to develop an attitude of intolerance to the use of drugs.

We Thank County Council, the Sheriff, Mayors and Police Chiefs for their continued support of our efforts!"

(The Resolution was read into the record and is attached hereto and by this reference is made a part hereof.)

It was moved by Councilmember Mims and seconded by Councilmember Farley to adopt the Resolution as presented. The motion passed by unanimous voice vote of Council. (a copy of R 02-51 is attached to these minutes)

PRESENTATOIN OF PLAQUE: Mr. Henry Richardson.

Chairman Rozier introduced Mr. Henry Richardson, former Councilmember for District No. 8. Mr. Richardson chaired the Water and Sanitation Committee from January 1, 2001 – August 1, 2002.

Mr. Marc Hehn expressed to Mr. Richardson his appreciation for his assistance and hard work to help Berkeley County Water and Sanitation Authority.

Mr. Rozier indicated that while Mr. Richardson chaired the Committee numerous water and sewer lines were installed; which included, Cainhoy and the Forty-One/Wilder Community and Bonneau Beach and Russellville.

Mr. Richardson stated the plaque should be presented to Berkeley County Council, for it was everyones' dedication and hard work that made these efforts possible. He was proud to have been a part of Berkeley County Council.

Chairman Rozier stated an Executive Session was needed to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the

position of the County in other adversary situations involving the assertion against the County of a claim.

It was moved by Councilmember Spooner and seconded by Councilmember Farley to enter into Executive Session. The motion passed by unanimous voice vote of Council.

Berkeley County Council entered into Executive Session at 7:15 p.m. and returned at 7:58 p.m.

Mr. D. Mark Stokes, County Attorney, reported Berkeley County Council entered into Executive Session to discuss matters as stated in the motion. No formal action was taken.

THIRD READING:

“BILL NO. 02-35, AN ORDINANCE ESTABLISHING A LARGER TALL PINES SPECIAL TAX DISTRICT AND SIMULTANEOUSLY ABOLISHING THE TALL PINES SPECIAL TAX DISTRICT THAT WAS ESTABLISHED IN 1991.”

It was moved by Councilmember Charlie Davis and seconded by Councilmember Spooner to adopt **Bill No. 02-35 on Third and final Reading.** The motion passed by unanimous voice vote of Council. *(a copy of Ordinance No. 02-10-42 is attached to these minutes)*

“BILL NO. 02-38, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #222-00-00-073.” *(Austin)*

It was moved by Councilmember Charlie Davis and seconded by Councilmember Spooner to adopt **Bill No. 02-38 on Third and Final Reading.** The motion passed by unanimous voice vote of Council. *(a copy of Ordinance No. 02-10-43 is attached to these minutes)*

“BILL NO. 02-39, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #221-00-00-068.” *(Adams)*

It was moved by Councilmember Charlie Davis and seconded by Councilmember Spooner to adopt **Bill No. 02-39 on Third and Final Reading.** The motion passed by unanimous voice vote of Council. *(a copy of Ordinance No. 02-10-44 is attached to these minutes)*

“BILL NO. 02-40, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #180-00-01-048 AND 180-00-01-049.” *(Berkeley Properties, LLC)*

It was moved by Councilmember Mims and seconded by Councilmember Farley to adopt **Bill No. 02-40 on Third and Final Reading.** The motion passed by unanimous voice vote of Council. (a copy of Ordinance No. 02-10-45 is attached to these minutes)

“BILL NO. 02-41, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #161-15-00-002 AND 003.” (Driggers)

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to adopt **Bill No. 02-41 on Third and Final Reading.** The motion passed by unanimous voice vote of the Council. (a copy of Ordinance No. 02-10-46 is attached to these minutes)

“BILL NO. 02-42, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #175-00-02-058.” (Pringle/Simmons)

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to adopt **Bill No. 02-42 on Third and Final Reading.** The motion passed by unanimous voice vote of Council. (a copy of Ordinance No. 02-10-47 is attached to these minutes)

“BILL NO. 02-43, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #103-00-01-001.” (Giannelli)

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to adopt **Bill No. 02-43 on Third and Final Reading.** The motion passed by unanimous voice vote of Council. (a copy of Ordinance No. 02-10-48 is attached to these minutes)

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

It was moved by Councilmember Mims and seconded by Councilmember Steve Davis that all **Bills for Second Reading be read collectively.** The motion passed by unanimous voice vote of Council.

“BILL NO. 02-44, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #252-00-00-036.” (Beazer Homes, for St. James Episcopal Church of Goose Creek)

“BILL NO. 02-45, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN

REGARDS TO APPROVED USES OF TMS #234-00-00-135.” (*New South Enterprises, Inc. for Medway Executive Office Park, LLC*)

“**BILL NO. 02-46, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #222-11-00-062.**” (*Tom Ervin for the Estate of Henry Yaschik*)

“**BILL NO. 02-47, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #209-06-00-036.**” (*Driggers*)

“**BILL NO. 02-48, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #098-00-04-059.**” (*Mills*)

“**BILL NO. 02-49, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #207-00-02-063.**” (*Sherman for the Sherman Agency*)

“**BILL NO. 02-50, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #152-00-00-054 & 057.**” (*Dix*)

“**BILL NO. 02-51, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #271-00-01-035.**” (*Stoney*)

“**BILL NO. 02-54, AN ORDINANCE TO AMEND SECTION II OF ORDINANCE NO. 99-7-41 REGARDING PERMITS, FEES, INSPECTIONS, AND LICENSES; TO AMEND SECTION IV OF ORDINANCE NO. 99-7-41 REGARDING THE MAXIMUM PENALTY FOR VIOLATIONS OF THE BUILDING CODE.**”

“**BILL NO. 02-55, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY AND SALE OF NOT EXCEEDING \$5,000,000 AGGREGATE PRINCIPAL AMOUNT OF BERKELEY COUNTY, SOUTH CAROLINA, INDUSTRIAL DEVELOPMENT REVENUE BONDS; THE LENDING OF THE PROCEEDS OF THE BONDS TO PROVIDE FUNDS TO CHARLESTON MIDSTREAM TRANSFER FACILITY, LLC (THE “COMPANY”) TO DEFRAY THE COST OF ACQUIRING CERTAIN MACHINERY, EQUIPMENT, AND OTHER PROPERTY; THE ENTERING INTO OF CERTAIN COVENANTS AND AGREEMENTS AND THE EXECUTION AND DELIVERY OF CERTAIN INSTRUMENTS RELATING TO THE ISSUANCE OF THE BONDS, INCLUDING A LOAN AGREEMENT BETWEEN THE COUNTY AND THE COMPANY; A TRUST INDENTURE, SECURING SUCH ISSUE OF BONDS AND**

PRESCRIBING MATTERS RELATED THERETO; A BOND PURCHASE AGREEMENT; AND AN OFFERING MEMORANDUM WITH RESPECT TO THE BONDS; AND OTHER MATTERS RELATING THERETO.”

It was moved by Councilmember Mims and Seconded by Councilmember Crosby to approve the **Bills Numbered 02-44, 02-45, 02-46, 02-47, 02-48, 02-49, 02-50, 02-51, 02-54 and 02-55 for Second Reading.** The motion passed by unanimous voice vote of Council.

FIRST READING:

“**BILL NO. 02-56, AN ORDINANCE TO AMEND AND CLARIFY CERTAIN SECTIONS OF ORDINANCE NO. 01-8-35, ADOPTED AUGUST 27, 2001, ZONING AND DEVELOPMENT STANDARDS ORDINANCE, “BERKELEY COUNTY ZONING ORDINANCE” AND TO REPEAL IN THEIR ENTIRETY ORDINANCES NUMBERED 86-12-10, 87-9-17, 88-2-3 AND 93-12-33.**”

“**BILL NO. 02-57, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #263-00-03-028.**” (*New South Enterprises, Inc.*)

“**BILL NO. 02-58, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #222-00-00-050.**” (*Herrin*)

“**BILL NO. 02-59, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #222-11-00-037.**” (*Berger*)

“**BILL NO. 02-60, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA IN REGARDS TO APPROVED USES OF TMS #195-14-00-064.**” (*Olszewski*)

“**BILL NO. 02-61, AN ORDINANCE TO AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK EXECUTED ON APRIL 24, 1995, BY AND AMONG BERKELEY COUNTY, SOUTH CAROLINA, AND WILLIAMSBURG COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK SO AS TO INCLUDE ADDITIONAL PROPERTY IN BOTH BERKELEY COUNTY AND WILLIAMSBURG COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK, AND OTHER MATTERS RELATING THERETO.**”

“**BILL NO. 02-62, AN ORDINANCE AUTHORIZING BERKELEY COUNTY, SOUTH CAROLINA (THE “COUNTY”) TO ENTER INTO A SECOND ADDENDUM TO THAT CERTAIN PERSONAL PROPERTY LEASE PURCHASE AGREEMENT WITH**

NORTON MCNAUGHTON OF SQUIRE, INC. AND SUCH OTHER DOCUMENTS AND AGREEMENTS IN CONNECTION THEREWITH AS APPROVED BY THE CHAIRMAN/SUPERVISOR OF COUNTY COUNCIL WHICH AGREEMENTS INCLUDE (A) THE CONSENT OF THE COUNTY TO THE MERGER OF MCNAUGHTON APPAREL HOLDINGS INC. INTO NORTON MCNAUGHTON OF SQUIRE, INC. AND (B) AT THE ELECTION OF NORTON MCNAUGHTON OF SQUIRE, INC., EITHER (I) THE CONVERSION OF THE FEE-IN-LIEU OF TAXES ARRANGEMENT INTO A NON-LEASEHOLD ARRANGEMENT UNDER CHAPTER 44 OF TITLE 12 OF THE SOUTH CAROLINA CODE OF LAWS (TOGETHER WITH THE RECONVEYANCE TO NORTON MCNAUGHTON OF SQUIRE, INC. OF THE PERSONAL PROPERTY LEASED BY NORTON MCNAUGHTON OF SQUIRE, INC. FROM THE COUNTY PURSUANT TO THE PERSONAL PROPERTY LEASE PURCHASE AGREEMENT) OR (II) THE ACCEPTANCE BY THE COUNTY OF TITLE TO THE PERSONAL PROPERTY WITH RESPECT TO THE SECOND PHASE OF THE PROJECT AND THE LEASE OF SUCH PERSONAL PROPERTY BACK TO NORTON MCNAUGHTON OF SQUIRE, INC. AND AUTHORIZING THE EXECUTION AND DELIVERY OF SAID ADDENDUMS, DOCUMENTS AND AGREEMENTS.”

“**BILL NO. 02-63**, AN **ORDINANCE** AUTHORIZING BERKELEY COUNTY, SOUTH CAROLINA (THE “COUNTY”) TO ENTER INTO A SECOND ADDENDUM TO THAT CERTAIN REAL PROPERTY LEASE PURCHASE AGREEMENT WITH **E. AND H. ROSS/CHARLESTON INDUSTRIAL, LLC**, A SUBORDINATION, NON-DISTURBANCE AND ATTORNMENT AGREEMENT WITH STATE FARM LIFE INSURANCE COMPANY AND SUCH OTHER DOCUMENTS AND AGREEMENTS IN CONNECTION THEREWITH AS APPROVED BY THE CHAIRMAN/SUPERVISOR OF COUNTY COUNCIL WHICH AGREEMENTS INCLUDE (A) THE CONSENT OF THE COUNTY TO THE MERGER OF MCNAUGHTON APPAREL HOLDINGS INC. INTO NORTON MCNAUGHTON OF SQUIRE, INC., (B) THE CONSENT OF THE COUNTY TO THE PARTIAL ASSIGNMENT OF THE REAL PROPERTY LEASE PURCHASE AGREEMENT BY E. AND H. ROSS/CHARLESTON INDUSTRIAL, LLC TO NORTH POINT PARK, LLC AND (C) AT THE ELECTION OF NORTON MCNAUGHTON OF SQUIRE, INC., E. AND H. ROSS/CHARLESTON INDUSTRIAL, LLC, NORTH POINT PARK, LLC, AND STATE FARM LIFE INSURANCE COMPANY, EITHER (I) THE CONVERSION OF THE FEE-IN-LIEU OF TAXES ARRANGEMENT INTO A NON-LEASEHOLD ARRANGEMENT UNDER CHAPTER 44 OF TITLE 12 OF THE SOUTH CAROLINA CODE OF LAWS (TOGETHER WITH THE RECONVEYANCE TO E. AND H. ROSS/CHARLESTON INDUSTRIAL, LLC OF THE REAL PROPERTY LEASED BY E. AND H. ROSS/CHARLESTON INDUSTRIAL, LLC FROM THE COUNTY UNDER THE REAL PROPERTY LEASE PURCHASE AGREEMENT) OR (II) THE ACCEPTANCE BY THE COUNTY OF TITLE TO THE REAL PROPERTY WITH RESPECT TO THE SECOND PHASE OF THE PROJECT AND THE LEASE OF SUCH REAL PROPERTY BACK TO NORTH POINT PARK, LLC PURSUANT TO THE TERMS OF THE REAL PROPERTY LEASE PURCHASE AGREEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF SAID ADDENDUMS, DOCUMENTS AND AGREEMENTS.”

“BILL NO. 02-64, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT AND CERTAIN INSTRUMENTS RELATING THERETO BY AND BETWEEN BERKELEY COUNTY AND KNOLOGY OF CHARLESTON, INC., WHEREBY, BERKELEY COUNTY WILL ENTER INTO A FEE-IN-LIEU OF TAXES ARRANGEMENT WITH KNOLOGY OF CHARLESTON, INC.; PROVIDING FOR PAYMENT BY KNOLOGY OF CHARLESTON, INC. OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; AND OTHER MATTERS RELATING THERETO.”

RESOLUTIONS:

“RESOLUTION PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2002-2003 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to adopt the Resolution as presented. The motion passed by unanimous voice vote of Council. (a copy of Resolution No. R 02-46 is attached to these minutes)

“RESOLUTION TO APPOINT AND COMMISSION AN ADDITIONAL CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY, GENERAL WELFARE, AND CONVENIENCE OF BERKELEY COUNTY.”

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to adopt the Resolution as presented. The motion passed by unanimous voice vote of Council. (a copy of Resolution No. R 02-47 is attached to these minutes)

“RESOLUTION RELATING TO THE DECLARATION OF INTENT BY BERKELEY COUNTY, SOUTH CAROLINA, TO REIMBURSE CERTAIN EXPENDITURES PRIOR TO THE ISSUANCE BY THE COUNTY OF ITS TAX-EXEMPT DEBT.”

It was moved by Councilmember Spooner and seconded by Councilmember Farley to adopt the Resolution as presented. The motion passed by unanimous voice vote of Council. (a copy of Resolution No. R 02-48 is attached to these minutes)

“RESOLUTION AUTHORIZING GRANT APPLICATION ON BEHALF OF THE FORTY-ONE/WILDER COMMUNITY.”

It was moved by Councilmember Mims and seconded by Councilmember Steve Davis to adopt the Resolution as presented. The motion passed by unanimous voice vote of Council. (a copy of Resolution No. R 02-49 is attached to these minutes)

“RESOLUTION AUTHORIZING THE COUNTY SUPERVISOR TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT BETWEEN THE ERNEST E. KENNEDY

CENTER AND BERKELEY COUNTY FOR PREMISES LOCATED AT 106 WESTVIEW BOULEVARD, GOOSE CREEK, SOUTH CAROLINA.”

It was moved by Councilmember Crosby and seconded by Councilmember Mims to adopt the Resolution as presented. The motion passed by unanimous voice vote of Council. (a copy of Resolution No. R 02-50 is attached to these minutes)

ADD WITHOUT OBJECTION:

“**RESOLUTION APPROVING FINANCING TERMS (BB&T) BCW&SA.**”

It was moved by Councilmember Steve Davis and seconded by Councilmember Charlie Davis to adopt the Resolution as presented. The motion was passed by unanimous voice vote of Council. (a copy of Resolution No. R 02-45 is attached to these minutes)

REPORTS FROM STANDING COMMITTEES:

COMMITTEE ON FINANCE, Councilmember Steve M. Vaughn, Chairman.

Councilmember Spooner reported the Committee met on October 21st. Many of the matters before the Committee were taken care of earlier on the agenda.

Councilmember Spooner moved upon the recommendation of the Committee on Finance to appoint Yolanda Rembert and Bidd Smith to the Berkeley County Grievance Committee to serve through April 30, 2005. (No Second Required) The motion passed by unanimous voice vote of Council.

COMMITTEE ON LAND USE, Councilmember Charles E. Davis, Chairman.

Chairman Charlie Davis reported the Committee met on October 21st. Many of the matters before the Committee were taken care of earlier on the agenda. The applicant withdrew the two items on the agenda for denial.

COMMITTEE ON PUBLIC WORKS AND PURCHASING, Councilmember William E. Crosby, Chairman.

Councilmember Crosby reported the Committee met on October 21st. Several of the matters before the Committee were taken care of on the agenda. The lease purchase agreement was taken care of by resolution on tonight’s agenda.

Councilmember Crosby moved upon recommendation of the Committee on Public Works and Purchasing to award the engineering agreement for amendments to Cells 5 and 6 of the Subtitle D Landfill to Camp Dresser & McKee, Inc. (No Second Required) The motion passed by unanimous voice vote of Council.

Councilmember Crosby moved upon recommendation of the Committee on Public Works and Purchasing to award the contracts for improvement to the **Sangaree Parkway** in the **amount of \$717,316.50** and the improvements to **Plantation North Boulevard** in the **amount of \$212,056.00 to Cooper River Construction Co., Inc. (No Second Required)** The motion passed by unanimous voice vote of Council.

COMMITTEE ON JUSTICE AND PUBLIC SAFETY, Councilmember Milton Farley, Chairman.

Councilmember Farley reported the Committee met on October 14th. All matters before the Committee were taken care of earlier on tonight's agenda.

COMMITTEE ON WATER AND SANITATION, Councilmember Steve C. Davis, Chairman.

Councilmember Steve Davis reported the committee met on October 14th. All matters before the Committee were taken care of on tonight's agenda.

COMMITTEE ON PLANNING AND DEVELOPMENT, Councilmember Judith K. Spooner, Chairman.

Councilmember Spooner reported the Committee met on October 21st.

The Committee considered several matters that resulted in an amendment to Ordinance No. 01-8-35, The Berkeley County Zoning Ordinance, which received first reading tonight.

The Committee also considered a Bill, which addresses permits, fees, inspections and licenses. The Bill received second reading earlier on tonight's agenda.

COMMITTEE ON COMMUNITY SERVICES, Councilmember Judy C. Mims, Chairman.

Councilmember Mims reported the Committee met on October 14th.

Councilmember Mims moved upon recommendation of the Committee on Community Services to approve a **YALSA grant** in the **amount of \$1,000.00** for the **Berkeley County Libraries. (No Second Required)** The motion passed by unanimous voice vote of Council.

Councilmember Mims reported Ms. Colleen Carney, Library Director, presented the Committee with a status report of the County Libraries.

COMMITTEE ON HUMAN SERVICES, Councilmember Caldwell Pinckney, Jr., Chairman.

Councilmember Charlie Davis reported the Committee on Human Services met on October 14th. All matters before the Committee had been taken care of earlier on tonight's agenda.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

There were no nominations.

No **CORRESPONDENCE**.

UNFINISHED BUSINESS:

Chairman Rozier stated Farmers and Merchants Bank was awarded the bid for a Bond anticipation note for Berkeley County Water and Sanitation Authority. Since Mr. Rozier is on the Board of Farmers and Merchants Bank he asked the Ethics Commission for an opinion. They suggested that he recuse himself from the signing of the bond. Therefore, Councilmember Judith K. Spooner will sign the bond as Vice Chairman of Berkeley County Council.

No **NEW BUSINESS**.

ANNOUNCEMENTS:

The **NOVEMBER 2002, Regular Meeting of Berkeley County Council** will be held on **MONDAY NOVEMBER 25, 2002, in THE ASSEMBLY ROOM, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C., at 7:00 P.M.**

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to adjourn the Regular Meeting of Berkeley County Council. The motion passed by unanimous voice vote of Council.

PUBLIC DISCUSSION:

(During periods of discussion and/or presentations minutes are typically condensed and paraphrased.)

Ms. Marietta Hicks, 1207 Edward Drive, Moncks Corner, stated she was before Council as a Berkeley County Employee.

"I have been following the request of three elected officials to increase the salaries of their employees. I will be the first to admit that county employees deserve salary increases.

Berkeley County Government has some of the best employees in this state.

County Council is in the process of implementing a new grade system, which will affect all county employees. It is not fair for a few chosen employees to receive an increase now, while

the rest of the 700 plus employees have to wait. By giving the increases to a few employees now, it will greatly affect morale for the rest of the 700 employees. If department heads and elected officials aren't happy after the implementation they should address council at that time.

The requesting officials have told you that county employees have left their offices for higher paying jobs. The only comment I will make on this statement is that there are employees who have taken a pay cut to transfer from these offices to other county departments.

If money is an issue, why haven't these employees taken a higher paying job within the county or outside the county?

My suggestion is that you deny not only these requests but also any other salary increase request until after council implements the new grade system. Your vote affects the morale of all county employees."

S/Barbara B. Austin
Clerk of County Council

November 25, 2002
Date Approved

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on **Monday October 28, 2002**, is scheduled to begin at **7:00 P.M.**, in the ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 223 NORTH LIVE OAK DRIVE, MONCK'S CORNER, S. C.

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES:

Public Hearings Bills Numbered: 02-36, 02-37	September 9, 2002
Special Council Meeting	September 9, 2002
Public Hearing: Bill Numbered 02-34	September 23, 2002
Regular Council Meeting	September 23, 2002
Special Council Meeting	September 24, 2002

PUBLIC DISCUSSION - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the County in other adversary situations involving the assertion against the County of a claim.

RESOLUTION proclaiming the week of **October 23-31, 2002** as **National Red Ribbon Week** in Berkeley County.

PRESENTATION OF PLAQUE: Mr. Henry Richardson.

THIRD READING:

1. Bill No. 02-35, an **Ordinance** establishing a larger Tall Pines Special Tax District and simultaneously abolishing the Tall Pines Special Tax District that was established in 1991.
[Recommended by Committee on Finance]

2. Bill No. 02-38, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Jannie Austin**, 1144 College Park Road, Summerville, TMS #222-00-00-073 (1.2 acres of 2.20 acres total), **from R-2, Manufactured Residential District, to GC, General Commercial District**. Council District No. 4.
[Recommended by Committee on Land Use]

3. **Bill No. 02-39**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Charles R. Adams, Jr., and Dawn Wiseman-Adams**, 125 Wolfhound Lane, Summerville, TMS #221-00-00-068 (Lot 3A, 1.87 acres and Lot 3 B, 1.12 acres, 3 acres total), **from R-1, Single Family Residential District, to R-1MM, Multi-Section Residential District**. Council District No. 4.
[Recommended by Committee on Land Use]

4. **Bill No. 02-40**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Berkeley Properties, LLC**, South Live Oak Drive and Oakley Road, Moncks Corner, TMS #180-00-01-048 (1.26 acres portion, 2.2 acres total) and 180-00-01-049 (8.38 acres), **from GC, General Commercial District, and R-2 Manufactured Residential District, to GC General Commercial District**. Council District No. 6.
[Recommended by Committee on Land Use]

5. **Bill No. 02-41**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Georgia S. Driggers**, 1535 and 1539 South Live Oak Drive, Moncks Corner, TMS #161-15-00-002 and 003 (2 lots), **from GC, General Commercial District, to R-2, Manufactured Residential District**. Council District No. 7.
[Recommended by Committee on Land Use]

6. **Bill No. 02-42**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Elijah Pringle for Bertha Pringle Simmons**, 1045 Gaddist Road, Ridgeville, TMS #175-00-02-058 (.50 acre 1.3 acres total), **from F-1 Agricultural District to RNC, Rural and Neighborhood Commercial District**. Council District No. 7.
[Recommended by Committee on Land Use]

7. **Bill No. 02-43**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Andrew Giannelli**, 212 Open Door Lane, Moncks Corner, TMS #103-00-01-001 (2.75 portion, 71.36 acres total), **from F-1, Flexible District, to RNC, Rural and Neighborhood Commercial District**. Council District No. 8.
[Recommended by Committee on Land Use]

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

1. **Bill No. 02-44**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Beazer Homes for St. James Episcopal Church of Goose Creek**, Foster Creek Road, Goose Creek, TMS #252-00-00-036 (30 acres

portion, 49.34 acres total), **from PDMU, Planned Development-Mixed Use Development District, to R-1, Single Family Residential District..** Council District No. 1.
[Recommended by Committee on Land Use]

2. **Bill No. 02-45**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **New South Enterprises, Inc.** for **Medway Executive Office Park, L.L.C.** corner of Highway 176 and Mt. Holly Road, Goose Creek, TMS #234-00-00-135 (5.27 acres), **from PDMU, Planned Development-Mixed Use Development District, to GC, General Commercial District.** Council District No. 3. **Bill No. 02-43**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re:
[Recommended by Committee on Land Use]

3. **Bill No. 02-46**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Tom Ervin for the Estate of Henry Yashik**, Highway 17-A, Summerville TMS #222-11-00-062 (8.62 acre portion, 29 acres total) **from GC, General Commercial District, and R-1, Single Family Residential District, to GC, General Commercial District.** Council District No. 4.
[Recommended by Committee on Land Use]

4. **Bill No. 02-47**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Perry T. Driggers**, 1354 State Road, Summerville, TMS #209-06-00-036 (2.9 acres), **from R-2, Manufactured Residential District, to RNC, Rural and Neighborhood Commercial District.** Council District No. 6.
[Recommended by Committee on Land Use]

5. **Bill No. 02-48**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Lewis M. Mills**, 2325 North Highway 52, Bonneau, TMS #098-00-04-059 (a .4 portion of 1 lot), **from F-1, Agricultural District, to RNC, Rural and Neighborhood Commercial District.** Council District No. 6.
[Recommended by Committee on Land Use]

6. **Bill No. 02-49**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Howard Sherman** for the **Sherman Agency**, 120 Jed Park Place, Summerville, TMS #207-00-02-063 (91.03 acres), **from HI, Heavy Industrial District, to LI, Light Industrial District.** Council District No. 7,
[Recommended by Committee on Land Use]

7. **Bill No. 02-50**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **David Dix**, 3234 French Santee Road, Jamestown, TMS #152-00-00-054 and 057 (a 1.75 portion, 8.72 acres total), **from F-1, Agricultural District, to GC, General Commercial District.** Council District No. 8.
[Recommended by Committee on Land Use]

8. **Bill No. 02-51**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Theodore Stoney, Jr.**, for **Jane S. Stoney**, Highway 33, Wando, TMS #271-00-01-035 (50.29 acres), **from GC, General Commercial District, to LI, Light Industrial District**. Council District 8.

[Recommended by Committee on Land Use]

9. **Bill No. 02-54**, an **Ordinance** to **amend** Section II of **Ordinance No. 99-7-41** regarding permits, fees, inspections, and licenses; to amend Section IV of Ordinance No. 99-7-41 regarding the maximum penalty for violations of the building code.

[Recommended by Committee on Planning and Development]

10. **Bill No. 02-55**, an **Ordinance** authorizing the execution and delivery and sale of not exceeding \$5,000,000 aggregate principal amount of Berkeley County, South Carolina, industrial development revenue bonds; the lending of the proceeds of the bonds to provide funds to **Charleston Midstream Transfer Facility, LLC** (the "Company") to defray the cost of acquiring certain machinery, equipment, and other property; the entering into of certain covenants and agreements and the execution and delivery of certain instruments relating to the issuance of the bonds, including a loan agreement between the county and the company; a trust indenture, securing such issue of bonds and prescribing matters related thereto; a bond purchase agreement; and an offering memorandum with respect to the bonds; and other matters relating thereto

[Recommended by Committee on Finance]

FIRST READING:

1. **Bill No. 02-56**, an **Ordinance** to **amend** and clarify certain sections of Ordinance No. 01-8-35, adopted August 27, 2001, Zoning and Development Standards Ordinance, "Berkeley County Zoning Ordinance" and to repeal in their entirety Ordinances Numbered 86-12-10, 87-9-17, 88-2-3 and 93-12-33.

[Recommended by Committee on Planning and Development]

2. **Bill No. 02-57**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **New South Enterprises, Inc.**, 1064 Clements Ferry Road, Wando, TMS # 263-00-03-028 (1 lot), **from R-2, Manufactured Residential District, to GC, General Commercial District**. Council District No. 2

[Recommended by Committee on Land Use]

3. **Bill No. 02-58**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **George R. Herrin as Trustee**, 2813 North Main Street, Summerville, TMS #222-00-00-050 (a 127.10 acre portion, 166.53 acres total), **from PDMU, Planned Development-Mixed Use Development District, to GC, General Commercial District**, and (a 39.43 acre portion, 166.53 acres total) **from PDMU, Planned Development-Mixed Use Development District, to R-5, Multi Family, Large Scale District**. Council District No. 4.

[Recommended by Committee on Land Use]

4. **Bill No. 02-59**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Linda L. Berger**, 139 Starlifter Drive, Summerville, TMS #222-11-00-037 (3 acres), **from R-1, Single Family Residential District, to R-1R, Rural Single-Family District..** Council District 4.

[Recommended by Committee on Land Use]

5. **Bill No. 02-60**, an **Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Doretta M. Olszewski**, 1562 State Road, Summerville, TMS #195-14-00-064 (2.18 acres), **from GC, General Commercial District, to F-1, Agricultural District.** Council District No. 6.

[Recommended by Committee on Land Use]

6. **Bill No. 02-61**, An **Ordinance** to amend the agreement for development of a **Joint County Industrial Park** executed on April 24, 1995, by and among Berkeley County, South Carolina, and Williamsburg County, South Carolina, providing for the development of a jointly owned and operated industrial/business park so as to include additional property in both Berkeley County and Williamsburg County as part of the Joint County Industrial Park, and other matters relating thereto.

[Recommended by Committee on Finance]

7. **Bill No. 02-62**, An **Ordinance** authorizing Berkeley County, South Carolina (the "County") to enter into a second addendum to that certain personal property lease purchase agreement with **Norton McNaughton of Squire, Inc.** and such other documents and agreements in connection therewith as approved by the Chairman/Supervisor of County Council which agreements include (a) the consent of the county to the merger of McNaughton Apparel Holdings Inc. into Norton McNaughton of Squire, Inc. and (b) at the election of Norton McNaughton of Squire, Inc., either (i) the conversion of the fee-in-lieu of taxes arrangement into a non-leasehold arrangement under Chapter 44 of Title 12 of the South Carolina Code of Laws (together with the reconveyance to Norton McNaughton of Squire, Inc. of the personal property leased by Norton McNaughton of Squire, Inc. from the County pursuant to the personal property lease purchase agreement) or (ii) the acceptance by the County of title to the personal property with respect to the second phase of the project and the lease of such personal property back to Norton McNaughton of Squire, Inc. and authorizing the execution and delivery of said addendums, documents and agreements.

[Recommended by Committee on Finance]

8. **Bill No. 02-63**, An **Ordinance** authorizing Berkeley County, South Carolina (the "County") to enter into a second addendum to that certain real property lease purchase agreement with **E. and H. Ross/Charleston Industrial, LLC**, a subordination, non-disturbance and attornment agreement with State Farm Life Insurance Company and such other documents and agreements in connection therewith as approved by the Chairman/Supervisor of County Council which agreements include (a) the consent of the County to the merger of McNaughton Apparel Holdings Inc. into Norton McNaughton of Squire, Inc., (b) the consent of the County to the partial assignment of the real property lease purchase agreement by E. and H. Ross/Charleston

Industrial, LLC to North Point Park, LLC and (c) at the election of Norton McNaughton of Squire, Inc., E. and H. Ross/Charleston Industrial, LLC, North Point Park, LLC, and State Farm Life Insurance Company, either (i) the conversion of the fee-in-lieu of taxes arrangement into a non-leasehold arrangement under Chapter 44 of Title 12 of the South Carolina Code of Laws (together with the reconveyance to E. and H. Ross/Charleston Industrial, LLC of the real property leased by E. and H. Ross/Charleston Industrial, LLC from the County under the real property lease purchase agreement) or (ii) the acceptance by the County of title to the real property with respect to the second phase of the project and the lease of such real property back to North Point Park, LLC pursuant to the terms of the real property lease purchase agreement and authorizing the execution and delivery of said addendums, documents and agreements.

[Recommended by Committee on Finance]

9. Bill No. 02-64, An Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement and certain instruments relating thereto by and between Berkeley County and **Knology of Charleston, Inc.**, whereby, Berkeley County will enter into a fee-in-lieu of taxes arrangement with Knology of Charleston, Inc.; providing for payment by Knology of Charleston, Inc. of certain fees in lieu of Ad Valorem taxes; and other matters relating thereto.

[Recommended by Committee on Finance]

RESOLUTIONS:

1. RESOLUTION providing for the **Transfer of Funds** in the 2002-2003 Berkeley County Budget for County Purposes other than as specified in said Budget.

[Recommended by Committee on Finance]

2. RESOLUTION to appoint and commission an additional code enforcement officer for the proper security, general welfare, and convenience of Berkeley County.

[Recommended by Committee on Human Services]

3. RESOLUTION relating to the declaration of intent by Berkeley County, South Carolina, to reimburse certain expenditures prior to the issuance by the county of its tax-exempt debt.

[Recommended by Committee on Water and Sanitation]

4. RESOLUTION authorizing Grant application on behalf of the Forty-One/Wilder Community.

[Recommended by Committee on Community Services]

5. RESOLUTION authorizing the County Supervisor to negotiate and execute a lease agreement between the Ernest E. Kennedy Center and Berkeley County for premises located at 106 Westview Boulevard, Goose Creek, South Carolina.

[Recommended by Committee on Finance]

REPORTS FROM STANDING COMMITTEES:

1. **Committee on Finance.**
Councilmember Steve M. Vaughn, Chairman.
Recommendations:
Grievance Committee appointments.
2. **Committee on Land Use.**
Councilmember Charles E. Davis, Chairman.
Recommendation to Deny:
 1. **Bill No. 02-52, an Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Michael Kocak**, Wisteria Road, Ladson TMS #242-00-02-021, (9.86 acres), **from R-1, Single Family Residential, to R-1MM, Multi-Section Manufactured Residential District.** Council District No. 4.
 2. **Bill No. 02-53, an Ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Ladson Development Company**, Wisteria Road and Highway 78, Ladson, TMS #242-00-02-023 (11.1 acres), and TMS #242-00-02-060 (3.52 acres), **from R-1, Single Family Residential District, to LI, Light Industrial District.** Council District N. 4.
3. **Committee on Public Works and Purchasing.**
Councilmember William E. Crosby, Chairman.
Recommendations:
Berkeley County Water and Sanitation:
 - a. Lease/Purchase of Solid Waste Equipment and Water and Sewer Equipment.
 - b. Engineering agreement: Amendment for Cells 5 and 6 construction.
Berkeley County Roads and Bridges Department (C funds)
 - a. Sangaree Parkway improvements.
Plantation North Boulevard improvements.
4. **Committee on Justice and Public Safety.**
Councilmember Milton Farley, Chairman.
5. **Committee on Water and Sanitation.**
Councilmember Steve C. Davis, Chairman.
6. **Committee on Planning and Development.**
Councilmember Judith K. Spooner, Chairman.
7. **Committee on Community Services.**
Councilmember Judy C. Mims, Chairman.
Recommendations:

Approval of grant.

8. **Committee on Human Services.**
Councilmember Caldwell Pinckney, Jr., Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

BERKELEY-CHARLESTON-DORCHESTER RTMA
CHARLETON NAVAL COMPLEX REDEVELOPMENT AUTHORITY
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
GOOSE CREEK RECREATION COMMISSION
HOUSING BOARD OF ADJUSTMENTS AND APPEALS
SPIERS LANDING COMMISSION
WATER AND SANITATION APPEALS BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

NEW BUSINESS

ANNOUNCEMENTS

The NOVEMBER 2002, Regular Meeting of Berkeley County Council will be held on MONDAY NOVEMBER 25, 2002, in THE ASSEMBLY ROOM, 223 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C., at 7:00 P.M.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

October 23 2002
S/Barbara B. Austin
Clerk to County Council